

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated October 17, 2007 has been received and its contents carefully reviewed.

Claims 31, 34, 37, 38, 41, 44, 47, and 48 are hereby amended. Claims 52-59 are newly added. Support for the amendments of independent claims 31 and 41, and newly added dependent claims 52-59, can be found, for example, at paragraphs 0136 and 0140 of the as-filed specification (corresponding to paragraphs 0143 and 0147, respectively, of U.S. Publication No. 2004/0057387). Claims 34, 38, 44, and 48 were amended to correct antecedent basis issues. Claims 37 and 47 were amended to correct inadvertent clerical errors. No new matter was added. Claims 1-30, 36, and 46 are hereby canceled without prejudice to, or disclaimer of, the subject matter disclosed therein. The subject matter of claims 36 and 46 is generally incorporated by amendment into independent claims 31 and 41. Accordingly, claims 31-35, 37-45, and 47-59 are currently pending. Reexamination and reconsideration of the pending claims are respectfully requested.

At the outset, Applicants wish to note that the newly added features of independent claims 31 and 41 are very similar to the subject matter of now canceled claims 36 and 46. Accordingly, new search and consideration is not required for entry of these amendments. The amendments to claims 31 and 41 should be entered even after the Final rejection.

Additionally, Applicants would like to draw the attention of the Office to an inadvertent mischaracterization in the Remarks filed on July 23, 2007. On page 2 of Applicants' Remarks, it was mistakenly set forth that FACH and RACH channels were logical channels. However, please note that FACH and RACH channels are transport channels, not logical channels. Applicants do note that the cited reference, U.S. Patent No. 6,684,081 to Sarkkinen *et al.* discloses a MTCH and/or SMTCH as a logical channel.

The Office rejects claims 31-51 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,684,081 to Sarkkinen *et al.* (hereinafter *Sarkkinen*). Office Action at ¶ 3. Claims 36 and 46 are canceled herein, accordingly the rejection of those claims is moot. Applicants respectfully traverse the rejection of the remaining claims.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *See MPEP § 2131.* Applicants submit that *Sarkkinen* fails to describe, at least, “A method of providing a

point-to-multipoint service in a radio communication system,” comprising, “generating an identifier for indicating the point-to-multipoint service, wherein the identifier is configured by a radio resource control (RRC) layer,” as recited in independent claim 31. *Sarkkinen* also fails to describe, at least, “A method of receiving a point-to-multipoint service in a radio communications system,” comprising at least, “receiving a data unit including an identifier which indicates the point-to-multipoint service via a Forward Access Channel (FACH) or a (Downlink Shared Channel) DSCH, wherein the identifier is included in a header of the data unit and the identifier was configured by a radio resource control (RRC) layer of a network,” as recited in independent claim 41.

Sarkkinen relates to a “system and method of transmitting control information and user data, relating to multicast or broadcast services, between ... a mobile station (104) and ... a controller (106) of a wireless network (102)” *Sarkkinen* at Abstract. *Sarkkinen* describes TCTF header field 322 MAC, RLC, and MBMC layers, such that the TCTF header field identifies the multicast or broadcast type of logical channel. *See id.* at col. 11, lines 50-54. However, *Sarkkinen* fails to disclose that the identifier is configured by the radio resource control (RRC) layer of the network. In fact, *Sarkkinen* states, “The RRC 116 and the corresponding RRC 160 are known and are defined in accordance with the 3GPP specifications which specifications pertaining to an RRC are incorporated herein by reference in their entirety.” *See id.* at col. 10, lines 22-26. In contrast to the 3GPP specifications pertaining to an RRC in a point-to-multipoint service, the identifier of the claimed invention is configured by the radio resource control (RRC) layer of the network. Therefore, *Sarkkinen* cannot and does not describe, at least “generating an identifier for indicating the point-to-multipoint service, wherein the identifier is configured by a radio resource control (RRC) layer,” as recited in independent claim 31 and “receiving a data unit including an identifier which indicates the point-to-multipoint service via a Forward Access Channel (FACH) or a (Downlink Shared Channel) DSCH, wherein the identifier is included in a header of the data unit and the identifier was configured by a radio resource control (RRC) layer of a network,” as recited in independent claim 41. In general, and as patentably distinguishable in view of *Sarkkinen*, the identifier to be used by a medium access control (MAC) layer of the claimed invention is configured by a radio resource control (RRC) layer. Consequently, Applicants assert that independent claims 31 and 41 are not anticipated by *Sarkkinen*. Claims 32-35 and 37-40 depend directly or indirectly from independent claim 31, and claims 42-45 and 47-51 depend directly or indirectly from independent claim 41. It stands to reason that if independent claims 31 and 41 are allowable

over *Sarkkinen*, then defendant claims 32-35, 37-40, 42-45, and 47-51 are likewise allowable for at least the same reasons. Accordingly, Applicants respectfully request the Office to withdraw the 35 U.S.C. § 102(e) rejection of claims 31-35, 37-45, and 47-51.

Applicants herein assert that new dependent claims 52-59, which depend variously for independent claims 31 and 41, are allowable for at least the same reasons as independent claims 31 and 41.

CONCLUSION

Applicants believe the application is in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Office finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: January 23, 2008

Respectfully submitted,

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